

IN THE UNITED STATES DISTRICT COURT

**FILED**

FOR THE DISTRICT OF MONTANA

JUN 21 2018

BUTTE DIVISION

Clerk, U.S. District Court  
District Of Montana  
Helena

UNITED STATES OF AMERICA EX  
REL. FRANK M. REMBERT AND  
MICHAEL R. PARADISE,

Plaintiffs,

vs.

BOZEMAN HEALTH DEACONESS  
HOSPITAL D/B/A BOZEMAN  
HEALTH, and  
DEACONESS-INTERCITY  
IMAGING, LLC D/B/A ADVANCED  
MEDICAL IMAGING,

Defendant.

No. CV 15-80-BU-SEH

**ORDER**

A hearing on Relators' Motion to Compel Re: Request for Production No. 19<sup>1</sup> was held on June 21, 2018, to address remaining issues in Relators' opposed motion directed to Defendants for production of four categories of materials:

1. Copies of employment agreements with physicians

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<sup>1</sup> Doc. 141.

and other providers without redactions . . . ;

2. Copies of exclusive contracts between BDH and physician groups from 2005 to the present (if those physicians refer patients for radiologic services);
3. Agreements related to the purchase of physician practices by BDH since 2005 (if those physicians refer patients for radiologic services) and
4. Agreements related to any ownership interest in a joint venture purchased by BDH since 2005 (if other members of the joint venture refer patients for radiologic services).<sup>2</sup>

A separate motion, Defendants' Motion in Limine to Exclude Evidence of Claims Before December 11, 2009,<sup>3</sup> related in part to issues raised in Relators' Motion to Compel Re: Request for Production No. 19<sup>4</sup> but not heard or submitted for decision as of June 21, 2018, remains pending.

Upon the record made in open court,

**ORDERED:**

Defendants shall produce and serve upon Relators without redaction, on or before June 29, 2018, documents responsive to the following four categories

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<sup>2</sup> Doc. 232 at 2.

<sup>3</sup> Doc. 291.

<sup>4</sup> Doc. 141.

relating to Relators' Motion to Compel Re: Request for Production No. 19:<sup>5</sup>

1. Copies of employment agreements with physicians and other providers dated on or after December 11, 2009, to the present;
2. Copies of exclusive contracts between BDH and physician groups dated on or after December 11, 2009, to the present (if those physicians refer patients for radiologic services);
3. Complete copies of agreements related to the purchase of physician practices by BDH dated on or after December 11, 2009, to the present (if those physicians refer patients for radiologic services); and
4. Complete copies of agreements related to any ownership interest in a joint venture purchased by BDH dated on or after December 11, 2009, to the present (if other members of the joint venture refer patients for radiologic services).

The parties are apprised the Court has made no determination as to whether any document produced as ordered herein will or will not be admitted into evidence or considered in addressing or resolving any issue now pending before the Court or that may hereinafter be presented to the Court for resolution.

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<sup>5</sup> Doc. 141.

The parties are further apprised that if it is determined upon motion and good cause shown, and notwithstanding any filing deadline previously or hereafter established by order of Court, that if any materials produced in response to paragraphs 1-4 of this Order are later determined to be irrelevant or inadmissible in evidence in support of Relators' claims, the party aggrieved by the obligation to respond may seek sanctions for abuse of discovery as provided by the Federal Rules of Civil Procedure.

Eight unresolved and to some extent not fully briefed motions are pending before the Court. Some extension of present scheduling deadlines to accommodate time required for resolution of the pending motions and submission of a proposed final pretrial order may be required.

DATED this 21<sup>st</sup> day of June, 2018.

  
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SAM E. HADDON  
United States District Judge